

Court of Appeals, State of Michigan

ORDER

Andrew Jon Thompson v Heidi Jane Thompson

Docket No. 295556

LC No. 05-002851-DC

Michael J. Kelly
Presiding Judge

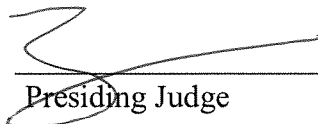
Patrick M. Meter

Stephen L. Borrello
Judges

The Court orders that appellee's "motion to dismiss vexatious proceedings" is GRANTED IN PART AND DENIED IN PART.

Appellee's request to dismiss this appeal as moot is GRANTED. We note that this appeal was docketed as an appeal of the August 20, 2008 order underlying the November 25, 2009 order denying reconsideration of the former order because the latter order denying the motion for reconsideration is clearly not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Further, the August 20, 2008 order could only arguably be a final order appealable of right to the extent that it affected the custody of a minor. MCR 7.202(6)(a)(iii). The entry of the circuit court referee order on December 15, 2009 denying appellant's requested change in parenting time in light of his actual relocation to Indiana rendered moot any issue regarding the August 20, 2008 order denying the requested change in parenting time in relation to appellant's prior contemplated relocation.

However, appellee's request for sanctions is DENIED because appellee has not established that this appeal is vexatious.



Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 22 2010

Date



Chief Clerk